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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,904	11/02/2000	Richard Hayton	CTX-054(1545/98)	4614

7590 04/20/2005

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EXAMINER

POLLACK, MELVIN H

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/704,904	HAYTON ET AL.	
	Examiner	Art Unit	
	Melvin H Pollack	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,12,13,15-19 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,12,13,15-19 and 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/20/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/20/05 have been fully considered but they are not persuasive. The reasoning is provided below.
2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "changes are made directly to portions of the displayed page; an entire new page is NOT generated in order to update the display") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). While the claim states "specifying one of the... portions of the displayed page to be replaced..." this does not preclude "generating a new page," as would typically occur if the "refresh button" of the browser were pressed. The applicant is advised to clarify this within the claims.
3. Furthermore, if this limitation was added to all independent claims, they would be rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the method and process of changing only a portion of the page. Hence, if the applicant adds this limitation to the independent claims, he must also clarify the method of changing only a portion within the claims.
4. For the reasons above, the previous rejection is maintained.

Claim Rejections - 35 USC § 103

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 9, 12, 13, 15-17 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawes (6,094,662) in view of Lafer et al. (6,192,382).

3. For claims 1, 12, 22, Hawes teaches a method (see abstract) for partial page regeneration (col. 1, lines 5-15) of a transmitted page (col. 2, lines 55-67) by a server (Fig. 1, #130), said method comprising:

- a. Receiving page generation code that generates a page (col. 1, lines 40-56; col. 2, lines 20-30), the page comprising a plurality of changeable portions (Fig. 3; the various status indicators of monitored items indicates that such sections are changeable by some mechanism);
 - b. Transmitting said page (col. 4, lines 45-47) to a client (Fig. 1, #110) for display (Fig. 1, #140);
 - c. Displaying said page on the client (Fig. 4, S1850);
 - d. Associating a portion of said received page generation code with an executable code fragment (col. 2, lines 55-61; col. 4, line 50 – col. 5, line 13; see below);
 - e. Executing said associated executable code fragment of said code (col. 5, line 60 – col. 6, line 15 and col. 7, lines 5-15) to produce a modified version of one of the plurality of portions of said displayed page (col. 5, lines 14-25 show that the pages are updated);
- and

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- f. Transmitting to the client the modified version of one of the plurality of dynamic portions and an identifier specifying one of the plurality of dynamic portions of the displayed page to be replaced by the modified versions of one of the dynamic portions (Fig. 5, S2600 – S2800; see below).
4. Hawes teaches executable code fragments, but does not expressly disclose that these fragments constitute dynamic portions. Lafer teaches a method (abstract) of updating pages with changed and/or personal data (col. 1, line 1 – col. 2, line 40) in which parts of the page are dynamic portions (col. 3, lines 20-45; HTML fragments). At the time the invention was made, one of ordinary skill in the art would have added Lafer's dynamic portions to Hawes in order to allow for improved customized and personal pages (col. 1, lines 25-41).
5. Hawes teaches a method of updating sections that represent updated status features, as shown above. Further, the applicant acknowledges the use of time stamps to determine replacement issues, and that only non-cached portions are downloaded (Applicant's remarks, Page 8, lines 30-33). In other words, Hawes teaches a method of identification to determine which portions, if any, should be replaced by updated and modified versions. Hawes does not expressly disclose that the identification uses an identifier that specifies which sections to be replaced or that such identifiers are transmitted to the client, although one of ordinary skill in the art could develop time stamps and/or cache flags that would fulfill these purposes. Hawes also teaches that such modifiers may be added later (col. 5, lines 3-8). Lafer teaches an identification system in further detail that includes the identifiers (tags) that operate as above (col. 4, lines 55-61). At the time the invention was made, one of ordinary skill in the art would have used the

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Lafer identification system to improve the efficiency of a Hawes page-cache replacement system (col. 1, lines 25-41).

6. For claims 3, 15, and 25, Hawes teaches the step of selectively executing the associated code fragment (Fig. 5, S2500). The page is refreshed only if changes are made, and only to the flagged and selected portions (selective execution).

7. For claims 4, 16, and 26, Hawes teaches that the step of selectively executing further comprises intercepting communication between said associated code fragment (Fig. 4, S1500) and other parts of said page generation code (Fig. 6, S3200) to enable execution of less than said entire page generation code (Fig. 6, S3600; col. 5, lines 25-45). The page is refreshed only due to coordination between the non-cacheable portions flag and a timer to determine when to check the server's page status.

8. For claims 5, 17, and 27, Hawes teaches that the step of selectively executing further comprises adding additional code (Fig. 3, 213) to operate with said page generation code to enable selective execution of said associated code fragment (col. 5, lines 45-57). The page is refreshed due to a code to form a refresh button on the page, i.e. in Java, that checks the status of the non-cacheable data upon a user press. Added code to insert a timer would also teach this limitation.

9. For claim 9, Hawes teaches that said page is formatted as a Hypertext Markup Language (HTML) page (col. 1, lines 40-45).

10. As for claims 13 and 23, Hawes teaches an external page code source (Fig. 1, #212).

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11. For claim 24, Hawes teaches that said partial page regenerator sends said modified version of one of the plurality of dynamic portions and said identifier to said server transceiver for transmission to said client (Fig. 4, S1400).

12. Claims 6-8, 18, 19, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawes and Lafer as applied to claims 1, 12, 22, 23 above, and further in view of Jois et al. (6,112,242).

13. For claim 6, Hawes does not expressly disclose the step of associating further comprises executing a code fragment of said page generation code to generate an output, and identifying with an identification tag said generated output of said executed code fragment to identify which portion of said displayed page is created by said executed code fragment. Hawes does disclose that the system may accommodate any form of tagging to delineate updatable content matter (col. 5, lines 3-7). Jois teaches a method (see abstract) of serving web pages (col. 1, lines 20-40) in which a page is split up (col. 2, lines 40-60) so that one portion may be updated without updating other portions (col. 2, line 64 – col. 3, line 3; col. 5, lines 20-22). Jois also demonstrates the above limitations (col. 5, lines 40-60; col. 6, lines 5-15). At the time the invention was made, one of ordinary skill in the art would have used Jois in a Hawes system in order to provide Hawes with a method of determining non-cacheable data and to provide an improved interactive experience (col. 2, lines 33-36).

14. For claims 7, 18, and 28, Hawes does not expressly disclose the step of identifying further comprises inserting said identification tag at the beginning and the ending of said generated output. Jois teaches this method as well (col. 1, lines 40-50; col. 5, lines 50-55). At

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the time the invention was made, one of ordinary skill in the art would have used Jois in a Hawes system in order to provide Hawes with a method of determining non-cacheable data and to provide an improved interactive experience (col. 2, lines 33-36).

15. For claim 8, Hawes teaches the use of Java (col. 1, lines 47-55), but does not expressly disclose that said code is formatted as a servlet. Jois teaches this method as well (col. 6, lines 63-67). At the time the invention was made, one of ordinary skill in the art would have used Jois in a Hawes system in order to provide Hawes with a method of determining non-cacheable data and to provide an improved interactive experience (col. 2, lines 33-36).

16. For claims 19 and 29, Hawes does not expressly disclose that said partial page regenerator stores a relationship between said portion of said page and said code fragment of said code that generates said portion. Jois teaches this limitation (Fig. 3, #240). At the time the invention was made, one of ordinary skill in the art would have used Jois in a Hawes system in order to provide Hawes with a method of determining non-cacheable data and to provide an improved interactive experience (col. 2, lines 33-36).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner will be using data to show that a variety of techniques, from frames to Java script to RSS, may be used to modify a portion of the displayed page.

18. News feeds, scroll displays, and other updatable web codes: Shrader (6,870,551), Barrett et al. (6,490,584), Seibert (6,601,107; Fig. 2), Reisman (6,594,692; "novel recorded music product"), HTML specification (Ch. 13, 18).

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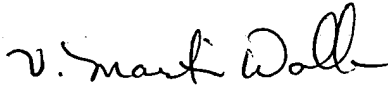
19. Separately updatable areas, i.e. Frames: Hanson et al. (6,496,849), Pasquali et al. (6,434,563), Schindler (6,081,830), HTML Specification (Chapter 16).
20. Sectional separation of web pages: Salisbury et al. (6,397,231), Brown et al. (5,887,133), Myer et al. (6,615,088).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
08 April 2005


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